

Attorney Docket No.: MCP-0082
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REMARKS

The title of the instant application has been amended to include the word "activity" following the word --thrombospondin--.

Claims 1-14 are pending in the instant application. Claims 1-14 have been subjected to a Restriction Requirement as follows:

Group I, claims 1-5 and 11, drawn to retroinverso polypeptides and a conjugated polypeptide comprising said polypeptide linked to a biopolymer for delivery, classified in class 530, subclass 300 and class 514, subclass 2+;

Group II, claims 6-7, drawn to a drug conjugate comprising a chemotherapeutic drug and the peptide, classified in class 530, subclasses 300 and 402, and class 514, subclass 2+;

Group III, claim 8, drawn to a radioisotope conjugate comprising a radioisotope and the peptide, classified in class 423, subclass 249, and class 530, subclasses 300 and 402;

Group IV, claims 9-10, drawn to a drug conjugate comprising a cytotoxic agent and the peptide, classified in class 520, subclasses 300 and 402, and class 514, subclass 2+' and

Group V, claims 12-14, drawn to a method of inhibiting metastasis, invasion and adhesion of tumor cells comprising administering to a subject the polypeptide of Group I, classified

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in class 514, subclass 2+, and class 530, subclasses 300 and 402.

The Examiner suggests that these Groups are distinct. Specifically, the Examiner suggests that the products of Groups I, II, III and IV are structurally distinct from one another because the products of Groups II, III and IV are structurally distinct/different conjugates while Group I is not a conjugated peptide. Further, while the Examiner has acknowledged the relationship of Groups I and V, II and V, III and V and IV and V as product and process of use, the Examiner suggests that the Groups are distinct because the products as claimed can be used in different processes.

Applicants respectfully traverse this rejection.

At the outset, it is respectfully pointed out that while Groups II, III and IV may encompass different conjugates, they also share an essential component with Group I, namely the same peptide. Thus, Applicants respectfully disagree with the Examiner's characterization of Groups II, II and IV as being distinct.

Further, MPEP § 803 provides two criteria which must be met for a restriction requirement to be proper. The first is that the inventions be independent or distinct. The second is that there would be a serious burden on the Examiner if the

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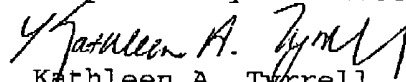
restriction is not required. A search of prior art relating to retroinverso peptides would also reveal any references teaching conjugates and uses thereof. Accordingly, Applicants believe that searching of all the claims would not place an undue burden on the Examiner if the Restriction were not made.

Thus, since this Restriction Requirement does not meet both criteria as set forth in MPEP § 803 to be proper, reconsideration and withdrawal of this Restriction Requirement is respectfully requested.

In an earnest effort to be completely responsive, however, Applicants elect Group III, claim 8, with traverse.

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

Respectfully submitted,


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